

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONARD J. HIGGINS,

Defendant.

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No. 4:24-CR-00116-DGK

**ORDER ADOPTING THE MAGISTRATE’S REPORT AND RECOMMENDATION
DENYING DEFENDANT’S MOTION TO SUPPRESS EVIDENCE**

Now before the Court are Defendant’s motion to suppress evidence, ECF No. 30; Magistrate Judge Jill A. Morris’s Report and Recommendation recommending the motion be denied, ECF No. 56; Defendant’s Objections to the Report and Recommendation, ECF No. 59; and the Government’s Response, ECF No. 60. Defendant moves the Court to suppress the firearm recovered from the May 2, 2024, search of his backpack, and the statements he made to law enforcement both at the scene and thereafter.

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with the Magistrate’s holding that the motion should be denied. Under controlling Eighth Circuit caselaw, the initial encounter between Detective Davis and Defendant was consensual. This encounter turned into a permissible investigatory seizure when Defendant asked if he was detained, and Detective Davis said he was. At that point, Detective Davis had reasonable suspicion that Defendant was engaged in criminal activity based on his observations of Defendant’s behavior inside and outside Union Station, other team members’ observations, and Defendant’s admission that he possessed marijuana. Finally, the Court agrees Defendant was in custody for *Miranda* purposes when he stated there was a firearm

in his backpack, but he was not subject to interrogation, thus no subsequent statements should be suppressed as fruit of the poisonous tree.

Accordingly, the Court ADOPTS the Report and Recommendation and DENIES Defendant's motion to suppress.

IT IS SO ORDERED.

Date: November 12, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT